

Notice of Allowability

Application No.

09/880,630

Examiner

Randy Peaches

Applicant(s)

LEASON, DAVID

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/10/2005.
2. ☒ The allowed claim(s) is/are 13 and 22-40 (re-numbered claims 1-20).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Jemica M. Beamer
JEMICA BEAMER
PRIMARY EXAMINER

2/21/06

DETAILED ACTION

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Regarding independent ***claims 13, 25 and 34***, among the cited prior art, the following is the closest prior art relevant to the claimed invention:

a.) U.S. Patent Number 6,343,212, hereinafter disclosed as "Weber et al." – Outputting a Warning Signal When Approaching a Protected Area Warning of an Impeding Mode Change

b.) U.S. Patent Number 6,421,544, hereinafter disclosed as "Sawanda" – Radio Communication System, Control Method thereof, and Radio Communication Terminal

The claimed invention is aimed at altering the alert mode of cellular telephones, pagers, personal digital assistants (PDA's) and the like. The Applicant asserts that the claimed invention enables public spaces such as movie theaters, shows, lecture halls and other designated spaces to be free of interruption from ringing sounds when such devices are addressed, for example, when a call is received at a cellular telephone located within a designated area.

Weber et al discloses a mobile terminal, of the type, which alerts a user to an incoming call by connecting an alert signal to a pre-selected alert function, i.e. vibration mode or visual signals, on a display. The mobile terminal detects the presence of the said mode change information locally by a base station and a mode change at its output is performed when the said broadcast system information is detected. Weber continues to disclose the step of changing the mode of the mobile terminal for a period of time after a said broadcast mode change information signal is no longer present. Weber teaches that in "other areas" a mode change information signal is broadcasted only

once, at an entrance of a building for example; yet, the mode of the said mobile terminal is maintained for a period of time despite the fact that the said mobile terminal is not receiving the mode change information signal.

To further support the function described by Weber, Sawanda continues by disclosing where a CPU is operatively connected to the output of a detector, wherein in combination with a present and user-specified table storing one of a default binary value and a user-set binary value, changes the mode of a said terminal accordingly. Mode changes are performed by the CPU as a function of the binary value stored in the said RAM.

Although, in contrast with distinctly comparable differences, Weber et al. and Sawanda, in it's combination, are considered to constitute to the state of the claimed invention; however, neither represents the central method and mode of operation as disclosed by the Applicant's detailed *"Rebuttal to the Examiner's Response to Arguments"*.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
February 10, 2006

Jemica M. Beam
JEMICA BEAM
PRIMARY EXAMINER
2/2/06